

**State of California**  
**CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**  
**CLOSED SESSION AGENDA**  
**Government Code § 11126 (a), (c)(3), (e) and (f)**  
**for**  
**Wednesday, January 2, 2013**  
**10 a.m.**  
**Sacramento, California**  
**&**  
**West Covina, California**

**TO: Members of the California Occupational Safety and Health Appeals Board**

**FROM: J. Jeffrey Mojcher, Chief Counsel**

**DATE: December 21, 2012**

**RE: Closed Session of the Board to be held on December 19, 2012**

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any item not resolved in this meeting will be continued to subsequent meetings as indicated in the minutes.

---

**DECISIONS OF ADMINISTRATIVE LAW JUDGES:**

*(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)*

1. BLESSING & HARVEY PROFESSIONAL SERVICES, INC., DBA EARNIE'S PLUMBING & SEWER SERVICE AKA EARNIES PLUMBING, 11-R2D2-2332
2. JOSE MENDOZA PAINTING, 11-R1D4-1837 THROUGH 1839
3. OGLE'S CUSTOM CABINETS, 10-R2D5-3975 THROUGH 3978
4. TL PAVLICH CONSTRUCTION, INC., 11-R3D6-1303 THROUGH 1310
5. SEOUL GOM TANG KOREAN RESTAURANT, INC., 11-R1D4-0137 AND 0138

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**FOR JANUARY 2, 2013**  
**Page 2**

**ORDERS OF ADMINISTRATIVE LAW JUDGES:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1. A-1 METAL PRODUCTS, 12-R6D2-1639 THROUGH 1646
2. ALSCO INC., 12-R6D2-2815 THROUGH 2820
3. AMPCO SYSTEM PARKING, INC., 11-R1D1-0863
4. AMERICAN JEWISH UNIVERSITY, 12-R4D1-0995
5. BALL CORPORATION, 12-R2D2-1417 THROUGH 1418
6. BAYLESS ENGINEERING & MANUFACTURING, 12-R4D3-0790 AND 0791
7. BEARD ELECTRIC, 12-R3D6-2474
8. BEDROSIANS, 12-R3D1-2738
9. BENSON INDUSTRIES, LLC., 12-R1D1-2022
10. BINS BINS BINS, INC., 12-R4D3-1366 THROUGH 1368
11. BOGHOSIAN RAISIN PACKING CO INC., 11-R2D5-1695 AND 1696
12. BRAGG INVESTMENT CO., INC. DBA BRAGG CRANE SERVICE,  
11-R1D4-2956 THROUGH 2957
13. CENTRAL VALLEY MEAT CO. INC., 11-R2D5-2196 THROUGH 2200
14. CHRISTISON COMPANY, 11-R1D1-1040 THROUGH 1041
15. CITY OF RICHMOND, 12-R2D2-1560
16. DANMAR, INC., 10-R6D7-2605 AND 2606
17. DFS FLOORING INC., 12-R6D2-0292 AND 0293
18. DINYARI INCORPORATED, 12-R1D2-0594 THROUGH 0596
19. FJF CAPITAL GROUP, INC., 12-R6D5-1657

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**FOR JANUARY 2, 2013**  
**Page 3**

20. GIB, LLC DBA BRAZILIAN BLOWOUT, 11-R4D3-2042 AND 2043
21. H.A.D.D. INC DBA ALLIANCE ELECTRIC, 11-R2D1-1263
22. HUMBOLDT COUNTY HEALTH AND HUMAN SERVICES, 12-R2D1-2149
23. HYATT AT FISHERMAN'S WHARF, 11-R1D1-2885 THROUGH 2887
24. INTEGRAL ENGINEERING & FABRICATION INC., 11-R6D2-2242  
THROUGH 2249
25. INX DIGITAL INTERNATIONAL CO., 12-R2D2-1483
26. IRON INDUSTRIES, INC., 12-R2D5-0433 THROUGH 0435
27. JD2/ISE INNOVATIVE STEEL ERECTORS, 12-R2D2-0775
28. K H S & S OF CONCORD, INC., 11-R2D2-0374 TO 0375
29. KENNERLEY-SPRATLING, INC., 12-R1D4-1479
30. GEORGE ARNOLD KALMAR, 11-R1D4-1643
31. LAGUNA BEACH COUNTY WATER DISTRICT, 11-R3D1-2172
32. RAY JOSE LLAMAS DBA LLAMAS AG LABOR CONTRACTING,  
12-R2D5-0155
33. LYONS MASONRY, INC., 11-R6D2-2756 THROUGH 2758
34. JEFFREY MACKIN, 11-R2D1-0404 THROUGH 0409
35. NORMAN CROW FARMS DBA ORESTIMBA NURSERY, 12-R2D4-1933
36. N&T INC., 11-R2D3-2168
37. PARK VICTORIA APARTMENTS, 12-R3D6-1327
38. PHOENIX CONTAINER CORP, 12-R2D4-1700 AND 1701
39. PR FARMS, 12-R2D5-2904
40. PRINTING CONSULTANT GROUP INC. DBA DT GRAPHICS,  
12-R3D6-0573

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**FOR JANUARY 2, 2013**  
**Page 4**

41. RED ROBIN INTERNATIONAL INC DBA RED ROBIN AMERICA'S GOURMET BURGER, 12-R2D2-1798
42. RING POWER CORPORATION DBA PHOENIX PRODUCTS, 12-R2D4-1931 AND 1932
43. SAN RAMON VALLEY FIRE PROTECTION DISTRICT, 12-R2D2-1528
44. SAN RAMON VALLEY USD, 12-R2D2-1561
45. SC SHEET METAL, INC., 12-R4D3-0902 THROUGH 0905
46. SIERRA ALUMINUM CO. INC., 12-R3D3-2926
47. S & M ENGINEERING, INC., 12-R1D2-1857
48. THIR COAST SUINEAR, INC., 12-R1D1-1339
49. T-MOBILE USA, 12-R2D2-1861
50. TURNUPSEED ELECTRIC SERVICE, INC., 11-R2D5-2131
51. UNIQUE SIGNS USA INC., 12-R3D1-1678 AND 1679
52. VENICE TRADING CO., INC. DBA DINA MERI, 12-R3D1-1624 AND 1625
53. VITALITY FOODSERVICE, INC. DBA NESTLE PROFESSIONAL VITALITY, 12-R1D4-3141
54. WAL-MART ASSOCIATES INC., 12-R3D2-2747 AND 2748
55. WAL-MART STORES, INC., 12-R2D5-0915
56. WESTFIELD LLC., 11-R6D2-2785 THROUGH 2788
57. WOODMILL SEATING, INC., 12-R3D6-0960

**MATTERS HELD OVER FROM PREVIOUS MEETINGS:**

*(If the Board is unable to conclude its deliberations and/or if any matter(s) is (are) put over from a previous meeting, they will be further discussed.)*

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD  
CLOSED SESSION MEMORANDUM  
FOR JANUARY 2, 2013  
Page 5**

**PETITIONS FOR RECONSIDERATION**

1. SOUTHERN CALIFORNIA EDISON, CO., 12-R3D3-0499
2. LUI'S ENTERPRISE CONSTRUCTION, CO., 12-R3D1-9141

**DENIAL OF PETITIONS FOR RECONSIDERATION (DRAFT):**

1. PRESTON PIPELINES, INC., 11-R2D4-2530

**MATTERS PENDING RECONSIDERATION:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

1. A-1 PROTECTIVE SERVICES, INC., 10-R1D1-1592
2. AC TRANSIT, 08-R1D4-0135
3. AGRI-VALLEY IRRIGATION, INC., 07-R2D5-3785 AND 3786
4. ARMOUR STEEL CO., INC., 08-R2D1-2649 THROUGH 2655
5. BOBERG ENGINEERING & CONTRACTING, INC., 06-R3D3-4963
6. BRUNTON ENTERPRISES DBA PLAS-TAL MFG. CO., 09-R6D2-2239 THROUGH 2241
7. BRUNTON ENTERPRISES, INC. DBA PLAS-TAL MFG. CO., 08-R3D3-3445 AND 3448
8. BURBANK RECYCLING, INC., 10-R4D3-0562 AND 0563
9. CALIFORNIA ERECTORS, INC., 10-R1D2-2772 THROUGH 2775
10. C.C. MYERS, INC., 08-R1D1-952 THROUGH 955
11. CLARK PACIFIC PRECAST, LLC, ET AL, 09-R2D1-0282
12. COFFMAN SPECIALTIES, INC., 10-R3D3-3532
13. COMMERCIAL METAL FORMING, 09-R3D1-1592

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**FOR JANUARY 2, 2013**  
**Page 6**

14. COMMUNITY RECONSTRUCTION SOLUTIONS, INC., 11-R1D1-1484
15. CONTRA COSTA ELECTRIC, INC., 09-R1D4-3271, 3272 AND 3960
16. COUNTY OF ALAMEDA, GENERAL SERVICES AGENCY, 11-R1D4-3064
17. CORONADO IRRIGATION SERVICES, 09-R4D2-0385 THROUGH 0387
18. CROP PRODUCTION SERVICES, 09-R6D4-4036 THROUGH 4038
19. DAVIS DEVELOPMENT COMPANY, 10-R3D1-3360 THROUGH 3362
20. EZ MIX, INC., 08-R4D3-1898
21. GRANITE ROCK COMPANY, 08-R1D3-3675 THROUGH 3687
22. HYDRO-SCIENCE OPERATIONS INC., 10-R1D2-0389
23. IN THE POCKET, INC. DBA BRENTWOOD BOWL, 11-R1D3-2272
24. IRWIN INDUSTRIES, 08-R6D4-1454
25. LAND O' LAKES PURINA FEED LLC, 08-R2D4-1843 AND 1844
26. LIQUIVISION TECHNOLOGY, INC., 08-R2D1-1712 THROUGH 1714
27. LION RAISINS, INC., 08-R2D5-2253 AND 2254
28. L & S CONSTRUCTION, INC., 10-R3D1-1821 AND 1822
29. M1 CONSTRUCTION, INC., 12-R4D1-0222 AND 0223
30. MARINE TERMINALS, 08-R6D2-1920
31. MORE GUSTO CATERING DBA EL CHOLO CATERING, 10-R4D1-1298
32. NATIONAL STEEL AND SHIPBUILDING COMPANY, 10-R6D2-3791
33. ORANGE COUNTY FIRE AUTHORITY, 12-R3D1-0364
34. ORANGE COUNTY FIRE AUTHORITY, 10-R3D1-3667
35. OWENS-ILLINOIS GLASS CONTAINER, INC., 09-R1D4-2021 AND 2022
36. PARAMOUNT FARMS, KING FACILITY, 09-R4D3-0864

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**FOR JANUARY 2, 2013**  
**Page 7**

37. PERFORMANCE CONTRACTING GROUP DBA PERFORMANCE CONTRACTING, INC., 08-R2D1-0025 AND 0026
38. PERSONNEL PLUS, INC., 11-R3D5-1302
39. ROLLED STEEL PRODUCTS CORP., 10-R6D2-4047 AND 4048
40. JOSH AND CARRIE SALAZAR DBA CJ MANUFACTURING, 09-R6D2-1710
41. SHEEDY DRAYAGE COMPANY, 06-R1D4-3053 THROUGH 3055
42. SHIMMICK-OBAYASHI, 08-R3D3-5023 THROUGH 5025
43. SMUD, 08-R2D1-4887 THROUGH 4889
44. MARTIN J. SOLIS DBA SOLIS FARM LABOR CONTRACTOR, 08-R2D1-3414 THROUGH 3418
45. STAFFCHEX, 10-R4D3-2456 THROUGH 2458
46. SUNRISE GROWERES FROZ SUN FOODS, 09-R4D3-2850
47. A. TEICHERT & SON, INC. DBA TEICHERT AGGREGATES, 09-R5D1-2443
48. VAN EVERY CONSTRUCTION, INC., 11-R1D4-0936 AND 0937

**LEGISLATION:**

**PENDING LITIGATION:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**SUPERIOR COURT:**

1. XL CONSTRUCTION, 34-2009-80000300 (08- 1191/1193)
2. M.C.M. CONSTRUCTION, INC., 34-2009-80000378 (09-9230)
3. WEBCOR BUILDER, INC., 34-2010-80000439 (06-R1D1-3030/3032)

**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**FOR JANUARY 2, 2013**  
**Page 8**

4. WPCS INTERNATIONAL SUISUN CITY, INC., 34-2010-80000430  
(09- 9280/9281)
5. GRANITE CONSTRUCTION CO., INC., (DOSH V OSHAB) 34-2010-800006047  
(07-R5D1-3611)
6. CLARK PACIFIC, A GENERAL CALIFORNIA PARTNERSHIP,  
34-2010-80000640 (08-R2D1-0027 THROUGH 0030)
7. SMUD, 34-2010-80000723 (08-R2D1-4887)
8. BAY AREA RAPID TRANSIT DISTRICT, 34-2011-80000819 (08-R1D1-5170)
9. MASCON, INC., 34-2011-80000820 (08-R2D1-4178 AND 4279)
10. CLARK PACIFIC DBA PACIFIC EMBEDDED PRODUCTS, 34-2011-80000965  
(10-0188~0191)
11. GUILLAUME GRAPEVINE NURSERY, INC., 34-2011-800001010  
(08-R2D1-3273)
12. CA PRISON INDUSTRY AUTHORITY, CIV 1105778 (09-R1D5-2459  
THROUGH 2461)
13. FLATIRON CONSTRUCTION CORP, 34-2012-800001029 (10-R4D1-2789)
14. HOLLANDER HOME FASHION, BS-135444 (10-R4D2-3704)
15. SECA EQUIPMENT REMOVAL & DISMANTLING, INC., 12CV01039  
(07-R2D3-0275)
16. JENSEN PRECAST, 34-2012-80001120 (05-R2D1-2377)
17. THE HERRICK CORPORATION, 34-2012-80001118 (07-0495)
18. UNDERGROUND CONSTRUCTION, 34-2012-80001124 (09-3518)
19. DUININCK BROS., INC., 34-2012-80001129 (06-2871)
20. SHERWOOD MECHANICAL, INC., 37-2012-00101466 (08-R3D2-4690 ~ 4693)
21. C.A. RASMUSSEN, INC., 34-2012-80001241-CU-WM-GDS (08-R4D5-0219  
AND 0220)



**CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD**  
**CLOSED SESSION MEMORANDUM**  
**FOR JANUARY 2, 2013**  
**Page 9**

22. SHIMMICK CONSTRUCTION CO., INC., 34-2012-80001248 (09-R2D3-0399)
23. A TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001258  
(05-R2D4-2650 AND 2651)
24. CA DEPT OF FORESTRY, 34-2012-80001263 (10-R2D1-0728)
25. A. TEICHERT & SON, 34-2012-80001265 (05-R2D5-2650 AND 2651)
26. PRESTON PIPELINES, INC., 34-8012-80001277 (09-R6D7-3345)
27. BLUE DIAMOND GROWERS, 34-2012-80001308 (10-R2D1-1280/1281)
28. CLARK PACIFIC PRECAST LLC, et al, 34-2012-80001319 (09-R2D1-0282/0283)
29. A. TEICHERT & SON, DBA TEICHERT CONSTRUCTION, 34-2012-80001332  
(09-R4D5-0459 & 0460)
30. A. TEICHERT & SON, DBA TEICHERT AGGREGATES, RG12 659881  
(10-R5D1-3029)

**PERSONNEL:** *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.